

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

XAVIER DANIELS,

Plaintiff,

v.

WARDEN MARTY ALLEN, et al., in their
individual capacities,

Defendants.

CIVIL ACTION NO.: 6:17-cv-45

ORDER

After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (doc. 61). No party to this action filed Objections to the Report and Recommendation.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **GRANTS** Defendants' Motion to Dismiss, **DISMISSES without prejudice** Plaintiff's Complaint for failure to exhaust available administrative remedies, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** Plaintiff *in forma pauperis* status on appeal.

SO ORDERED, this 29th day of April, 2020.

A handwritten signature in blue ink, appearing to read 'R. Stan Baker', is written over a horizontal line.

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA